

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WB Music Corp., et al.,	:	Case No. 1:05CV2202
	:	
Plaintiffs	:	
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Blues To You, Inc., et al.,	:	
	:	MEMORANDUM OPINION
Defendants	:	

The defendants in this action for copyright infringement do not deny that plaintiffs are entitled to summary judgment on their claims for relief, predicated upon defendants' unlicensed performance of seven copyrighted musical compositions. The issue before this Court is the amount of the judgment to be rendered.¹

Plaintiffs seek an award of damages of \$1,300.00 for each violation, for a total of \$9,100.00, plus \$14,190.00 in attorney fees and costs of \$336.40 for "The civil filing fee, service costs, copying charges and electronic research."

Defendants urge this Court to limit the damage award to the \$750.00 per violation minimum provided for under 17 U.S.C. §504(c)(1), which would amount to \$5,250.00. With regard to the request for fees pursuant to 17 U.S.C. §505, defendants maintain that this Court should exercise the discretion allowed under the statute and deny that request in its entirety or, in the alternative, find

¹Defendants also do not challenge plaintiffs' entitlement to an injunction prohibiting further infringing performances of any and all copyrighted compositions in the ASCAP repertory.

such fees to be unreasonable and allow a lesser amount.

As to the damage award, this Court believes that plaintiffs are too high and defendants are too low, and will award damages of \$1,000.00 per infringement, for a total of \$7,000.00.

Plaintiffs' counsel has not submitted an itemized fee schedule in support of the claim for \$14,190.00, simply submitting a declaration by lead counsel of the hours spent by four separate attorneys, totaling 55.5 hours, and the billing rates of each. This Court finds that number of hours to be disproportionate to the reasonable needs of this uncomplicated action, and will reduce the claim by half. As there is also no itemization in support of the claim for costs, this Court will only allow the \$250.00 filing fee.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: April 3, 2007